

Application Serial No. 09/441,061
Amendment dated December 23, 2003
Reply to the Advisory Action dated December 4, 2003

REMARKS

By the Amendment filed September 26, 2003, it is believed that claims 46-50, 55-58 and 80-81 are presently pending in the application. In the Advisory Action dated December 6, 2003, the Examiner indicated that the Amendment would be entered for purposes of Appeal. Applicants are filing concurrently with this Amendment a Request for Continued Examination. By this Amendment, claim 46 has been amended and claim 80 has been canceled without prejudice to future presentation. It is believed that no new matter has been added and entry of these amendments is requested.

35 U.S.C. 112 rejections

Claims 46-50, 55-58 and 81 stand rejected under 35 U.S.C. 112, first paragraph, for lack of adequate written description. The Examiner is of the opinion that the Amendment of September 26, did not place the application in condition for allowance because the present claims embrace “‘derivatives’ of GAD peptides with as little as 50% homology to the disclosed GAD peptides. Based on this assertion, the Examiner is of the opinion that all of the claims but claim 80 are not enabled or supported by an adequate written description.

Claim 46 has further been amended to recite peptides or peptide derivatives which comprise no more than 25 amino acids and at least 10 contiguous amino acids of an amino acid sequence selected from the group consisting of SEQ ID NO's:2, 3 and 19-39 and claim 80 has been canceled without prejudice to future presentation.

Based on the amendments to the claims and the above remarks, it is believed that all outstanding grounds of rejection have been obviated and withdrawal of the rejection of the claims for failure to comply with 35 U.S.C. 112, first paragraph is requested.

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In view of the above amendments and remarks, it is believed that all of the pending claims satisfy the requirements of the patent statutes. Reconsideration of the instant application, withdrawal of all rejections and early notice of allowance are requested. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,

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